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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,727	07/09/2003	Mark A. Reiley	9448.17205-CIP DIV	1799

21971 7590 04/11/2006

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650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

ISABELLA, DAVID J

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/65727

EXAMINER

ART UNIT	PAPER
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20060402

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached correspondence.


DAVID J ISABELLA
Primary Examiner
Art Unit: 3738

Art Unit: 3738

The request for interference filed 2/10/2006 is acknowledged. Applicant has filed papers for the purpose to invoke an interference with the Patent to Goble, et al [6565605]. Examiner has review of applicant's request, however, the following formal matters appear to be incorrect and appropriate corrections are required to properly set up the interference.

Applicant failed to (1) identify all claims the applicant believes interfere, and/or (2) propose one or more counts, and/or (3) show how the claims correspond to one or more counts. See 37 CFR 41.202(a)(2) and MPEP § 2304.02(b).

Examiner directs applicant's attention is to MPEP [October 2005 edition] section 2301.03/37CFR 41.201 and 37CFR 41.207.

Under 37CFR 41.201, a count is defined as "the Board's description of the interfering subject matter that sets the scope of admissible proofs on priority. Where there is more than one count, each count must describe a patentably distinct invention." According to 37CFR 41.207(b) "for the purpose of determining priority and derivation, all claims of a party corresponding to the count are presumed to stand or fall together." ; and "a claim corresponds to a count if the subject matter of the count, treated as prior art to the claim, would have anticipated or rendered obvious the subject matter of the claim."

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Applicant should note, that changes to the counts may impact the claim chart comparing at least one claim of each party corresponding to the count and why the claims interfere within the meaning of 37CFR 41.203(a).

Applicant failed to provide a claim chart comparing at least one claim of each party corresponding to the count. See 37 CFR 41.202(a)(3) and MPEP § 2304.02(c).

Claims 44-50,54,55,58-61 have been added or amended in a communication filed on 6/1/2005 to provoke an interference. Applicant failed to provide a claim chart showing the written description for each claim in the applicant's specification. See 37 CFR 41.202(a)(5) and MPEP § 2304.02(d). Applicant has failed to incorporate the instant application into the chart. The mere listing of the claims is insufficient. Applicant must provide sufficient information to establish priority for each constructive reduction to practice for which the applicant wishes to be accorded benefit. The chart should clearly show where the disclosure, in each patent, provides a constructive reduction to practice within the scope of the interfering subject matter.

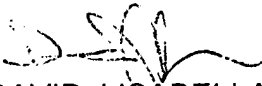
Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to correct the deficiency(ies). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID J ISABELLA
Primary Examiner
Art Unit 3738

DJI
4/2/2006